STATE OF MICHIGAN MICHIGAN ADMINISTRATIVE HEARING SYSTEM ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES

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	Reg. No.: Issue No.: Case No.: Hearing Date: County:	2014-24930 2001 March 13, 2014 Isabella			
ADMINISTRATIVE LAW JUDGE: Susan	ne E. Harris				
HEARIN	G DECISION				
Following Claimant's request for a head Administrative Law Judge pursuant to MC 42 CFR 431.200 to 431.250; 45 CFR 99 notice, a telephone hearing was held control and participants on behalf of Claimant include Participants on behalf of the Department Eligibility Specialist (ES),	CL 400.9 and 400.37; 7 C 9.1 to 99.33; and 45 CF on March 13, 2014, fron ed the Claimant's	FR 273.15 to 273.18; R 205.10. After due n Lansing, Michigan.			
<u>!</u> :	SSUE				
Did the Department properly ⊠ close Cla	imant's case for:				
☐ Family Independence Program (FIP)? ☐ Food Assistance Program (FAP)? ☐ Medical Assistance (MA)? ☐ Adult Medical Assistance (AMP)?	Child Developm	State Disability Assistance (SDA)? Child Development and Care (CDC)? Direct Support Services (DSS)? State SSI Payments (SSP)?			
FINDING	GS OF FACT				
The Administrative Law Judge, based evidence on the whole record, finds as ma		erial, and substantial			
1. Claimant ⊠ received: ⊠ MA benefi	ts.				
On March 1, 2014, the Department being over the asset limit for MA.	On March 1, 2014, the Department 🔀 closed Claimant's case due to the Claiman being over the asset limit for MA.				
3. On January 24, 2014, the Departmen	On January 24, 2014, the Department sent Claimant its decision.				

4. On February 4, 2014, the Claimant's filed a hearing request, protesting the Department's actions.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), and Department of Human Services Reference Tables Manual (RFT).

☐ The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 and MCL 400.105.

Bridges Eligibility Manual (BEM) 400 (2013) p. 6, 7, sets the asset limit for MA at for an asset group of one and for an asset group of two. The policy further provides that asset eligibility exists when the asset group's countable assets are less than, or equal to, the applicable asset limit at least one day during the month being tested. In this case, it is not contested that the Claimant had stocks that were valued in excess of such that As such, the Administrative Law Judge concludes that the Department was acting in accordance with its policy when taking action to close the Claimant's MA case, due to excess assets.

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it took action to close the Claimant's MA case.

DECISION AND ORDER

Accordingly, the Department's decision is X AFFIRMED.

Susanne E. Harris Administrative Law Judge for Maura Corrigan, Director Department of Human Services

Susanne E Harris

Date Signed: 3/20/14 Date Mailed: 3/21/14

NOTICE OF APPEAL: The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely Request for Rehearing or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

Michigan Administrative Hearing System (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request (60 days for FAP cases).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the Claimant;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the Claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings Reconsideration/Rehearing Request P.O. Box 30639 Lansing, Michigan 48909-07322

SEH/tb

CC:

